

**§ 106-951. Waiver of permits required for certain open burning during state of emergency.**

(a) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster or due to a pending disaster, the Commissioner may waive permitting requirements under this Article for the open burning of storm-related debris generated as a result of a natural disaster in areas affected by the disaster. A waiver issued pursuant to this subsection may include limitations on burning with respect to property setbacks, timing of burns, and other matters as the Commissioner deems necessary or advisable for the protection of health, safety, and protection of property. For purposes of this section, the following definitions apply: (i) definitions set out in G.S. 130A-290 and (ii) "storm-related debris" means any solid and engineered wood products, vegetative land-clearing debris, or yard trash that originates from designated counties in an emergency area as defined in G.S. 166A-19.3(7).

(b) The Commissioner shall suspend or terminate a waiver of permitting requirements for open burning of storm-related debris granted pursuant to subsection (a) of this section upon determination of (i) the Commissioner that hazardous forest fire conditions exist in the affected area or (ii) the Environmental Management Commission that open burning in the affected area is causing significant contravention of ambient air quality standards or that an air pollution episode exists pursuant to Article 21B of Chapter 143 of the General Statutes.

(c) Authority granted to the Commissioner pursuant to this section shall not be construed to limit the authority of the Environmental Management Commission or the Department of Environmental Quality to regulate air quality pursuant to Articles 21 and 21B of Chapter 143 of the General Statutes and rules adopted thereunder governing open burning.

(d) The Commissioner shall issue a press release containing relevant details of waivers granted pursuant to this section, and suspension or termination of a waiver, to news media and governmental agencies serving the area affected.

(e) Open burning conducted pursuant to authority granted by this section does not exempt or excuse a person from the consequences, damages, or injuries that may result from this conduct. It does not excuse or exempt a person from complying with laws, ordinances, rules, or orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with this section. (2024-51, s. 10.4.)